

14CV000863

CRAIG MILLER
1938 Grange Avenue
Racine, WI 53405

Case No.:

Plaintiff,

Case Code: 30100

v.

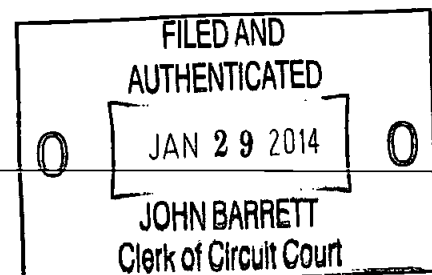
GENERAL MOTORS LLC
300 Renaissance Center MC 482-C14-C66
Detroit, MI 48265
By Registered Agent
CSC-Lawyers Incorporating Service Company
Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Defendant.

G/M

HON. KEVIN E. MARTENS, BR. 27
CIVIL M

SUMMONS



THE STATE OF WISCONSIN:

To each person named above as a defendant:

You are hereby notified that the plaintiff(s) named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the court, whose address is:

Clerk of Circuit Court
Milwaukee County Courthouse
901 North 9th Street
Milwaukee, WI 53233

and to Warshafsky, Rotter, Tarnoff & Bloch, S.C., plaintiff(s)' attorneys, whose address is: 839 North Jefferson Street, Suite 300, Milwaukee, Wisconsin 53202.

If you do not provide a proper Answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property. You may have an attorney help or represent you.

Dated: January 28, 2014

WARSHAFSKY, ROTTER,
TARNOFF & BLOCH, S.C.
Attorneys for Plaintiffs

A handwritten signature in black ink, appearing to read 'Victor C. Harding', written over a horizontal line.

Victor C. Harding
State Bar No. 01001754

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JOHNSON, JOHNSON & SCHALLER PC
Attorneys for Plaintiffs
By Arthur C. Johnson
975 Oak Street, Suite 1050
Eugene, OR 97401-3124

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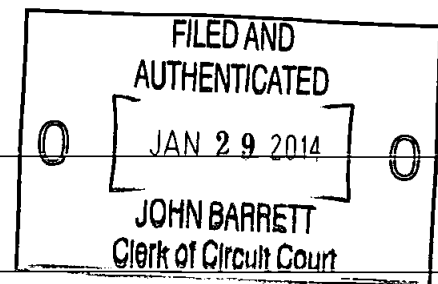
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Defendant.

COMPLAINT

NOW COMES the plaintiff, Craig Miller, by his attorneys, WARSHAFSKY, ROTTER, TARNOFF & BLOCH, S.C. and JOHNSON, JOHNSON & SCHALLER PC, and as and for claims against the defendant, shows to the Court as follows:

1. Craig Miller is an adult residing at 1938 Grange Avenue, Racine, Wisconsin.
2. General Motors LLC (GM) is a foreign Limited Liability Corporation licensed to do business in the State of Wisconsin with its registered agent being CSC-Lawyers Incorporating Service Company, Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717

3. On August 9, 2013 Craig Miller was the driver of a 2002 Cadillac Eldorado, VIN 1G6EC12952B106193 in the State of Florida. At some point during the trip, the seat warmer was inadvertently turned on and the seat surface became dangerously hot.

4. The plaintiff, Craig Miller, as a result of a previous incident, had been rendered a paraplegic and consequently on August 9, 2013 had no feeling/sensation below the waist.

5. As a result of the seat surface becoming dangerously hot, the plaintiff suffered severe burns to his buttocks.

6. As a result of the burns, Craig Miller suffered personal injuries, loss of wages and earning capacity, incurred medical, hospital and related expenses, and permanent injury, all to his damage in sums to be deemed fair and reasonable by the trier of fact.

7. The Cadillac Eldorado was manufactured by General Motors Corp. (GMC). GM's responsibilities and obligations with respect to vehicles manufactured and sold by GMC are defined in the July 9, 2009 Order of the U.S. Bankruptcy Court for the Southern District of New York, Case #09-50026.

I. FIRST CAUSE OF ACTION – NEGLIGENCE

8. The plaintiff incorporates by reference as if fully set forth herein, all of the allegations contained in the preceding paragraphs.

9. The injuries and damages suffered by Craig Miller on August 9, 2013 were caused by the negligence and carelessness of GM and/or GMC.

II. SECOND CAUSE OF ACTION – STRICT PRODUCTS LIABILITY

10. The plaintiff incorporates by reference as if fully set forth herein, all of the allegations contained in the preceding paragraphs.

11. GMC designed, manufactured, tested, inspected and sold the Cadillac in question into the stream of commerce and it was purchased by Craig Miller in a defective and unreasonably dangerous condition. In its unreasonably dangerous condition, the Cadillac was an inherently dangerous instrumentality.

12. The Cadillac designed, manufactured and sold by GMC was purchased by Craig Miller through the ordinary course of business and it reached Craig Miller and was used by him in the aforesaid unreasonably dangerous and defective condition.

13. The GMC Cadillac was expected to reach Craig Miller and be used by him without substantial change in the design and manufacture, and the GMC Cadillac did, in fact, reach Craig Miller and was used by him without substantial change in its condition from the time the Cadillac was designed, manufactured and sold by GMC and used by Craig Miller.

14. The injuries and damages sustained by Craig Miller were caused by the unreasonably dangerous and defective condition of the GMC Cadillac.

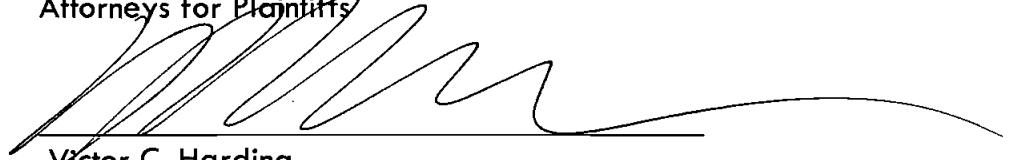
WHEREFORE, the plaintiff demands judgment against the defendant, for compensatory damages in sums to be deemed fair and reasonable by the trier of fact, along with the costs, disbursements and attorney's fees of this action.

* * * * *

PLAINTIFF DEMANDS THAT THIS ACTION BE TRIED TO A JURY OF TWELVE.

Dated this 28th day of January, 2014.

WARSHAFSKY, ROTTER,
TARNOFF & BLOCH, S.C.
Attorneys for Plaintiffs

A handwritten signature in black ink, appearing to read 'Victor C. Harding', is written over a horizontal line.

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